

Original

Received & Inspected

JAN 31 2012

FCC Mail Room

Office of the Secretary  
Federal Communications Commission  
Attention: Disability Rights Office, Room 3-B431  
445 12th Street, SW  
Washington, DC 20554

**Re: Petition for Exemption from Closed Captioning Requirements  
CG Docket No. 06-181, CGB-CC-\_\_\_\_\_**

### **Introduction**

**Describe the background of the church:** write one paragraph or more providing details on where the church's local community is, when it was founded, and how it serves the community.

**Ann Street United Methodist Church is so old it dates back to Bishop Asbury who once preached from its pulpit in the 18<sup>th</sup> Century. The building that now houses the congregation was built in 1857. The church and its' congregation have been serving the community of Beaufort for over 200 years. Beaufort is the third oldest town in North Carolina and is a beautiful seaport that has welcomed maritime traffic for over 300 years. Famous sea Captain Otway Burns is buried in the old burial grounds that surround the sanctuary. Various groups, circles and organizations within the church serve the community in many ways. Meals on Wheels provide food for shut-ins, the Disaster Team goes to work after storms and hurricanes clearing debris and repairing damaged homes. We have a preschool that has been teaching and caring for young children for about 40 years so parents can work in the community. We have a great afterschool program called Logos for children in grades 1-3 every Wednesday during the school year. Methodist women have an annual Bazaar and the Methodist men cook and sell peanuts to raise money for local and worldwide missions. On Thursdays the women and some men make**

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**soup for a free meal in the church's fellowship hall. There are many other volunteer groups that work diligently to provide music and operational services that keep the church open and welcoming.**

**Describe the program generally:** write one paragraph giving the FCC information on the title of the program, the substance of the program, and how it serves viewers.

**The TV program is a half hour weekly program that generally contains the special music from the choir or visiting musicians and vocalists. There are usually one or two hymns sung by the entire congregation, sometimes the children's message is included and it always includes the sermon except for the Christmas and Easter cantatas. The program aired free for 18 years on the local cable channel 10 until they changed the format from local programming. My central purpose in producing the program has been to provide a way for our elderly members that are homebound, in retirement homes or health care facilities to keep up with the weekly services of the church. In addition it has been a wonderful blessing to non members seeking a word of encouragement. The program is simply called Ann Street United Methodist Church.**

**Describe the program specifically:** write a paragraph describing how long each episode is, how often it airs, on what channel and at what time the show is broadcast, and who helps to produce the program. For example, does the church hire somebody to produce the show, or do church members volunteer? Describe the demographics of the program.

**The Ann Street program is 28:30 in length and airs every Wednesday morning on Fox 8 and Fox 14 from 7:30 to 8am. My name is Doug Gilchrist and I have been producing programming for Ann Street United Methodist Church for 23 years. It is my personal ministry and I neither have nor am receiving any financial assistance for production. The**

equipment was a donation from my production company and each week I make the 90 mile round trip to New Bern NC to deliver the finished program to the TV station. The church's only financial involvement has been paying for the air time and if the economy wasn't so bad I'd be gladly paying that too. I love doing what I do and the Lord has blessed me in more ways than I could ever match through my service. In terms of demographics, Fox 8 & 14 are on all the cable systems in 13 counties here in Eastern NC. Channel 8, being in the lower tier, reaches everyone with basic cable, rooftop antennas and even rabbit ears. Fox 14 reaches everyone with Direct TV or the Dish Network. Combined, this reaches everyone locally plus those in remote rest homes and students attending colleges within the viewing area.

Providing captioning for this program would result in significant difficulty or expense. Thus, for the reasons set forth below, Ann Street United Methodist Church in Beaufort, NC hereby requests an "economically burdensome" exemption from the closed captioning rules for Ann Street United Methodist Church TV program pursuant to § 79.1(f) of the Commission's rules.

#### **Nature and Cost of Closed Captions**

**Provide details on the cost of closed captions:** describe your efforts to determine the cost of closed captioning for your program. You must verify that you obtained this cost information. Attach as exhibits any price quotations that you received, such as letters from closed captioning companies. You also must verify and document that you sought closed captioning assistance from your video programming distributors — the station(s) that air the program — including information on whether the request was accepted or rejected. Describe

any other efforts to obtain additional sponsorship sources or other revenue to help finance the captioning.

**I studied at least 8 sites from a Google search for closed captioning rates and requirements. The rates varied from \$6.00 to \$10.00 per minute which would be from \$171.00 to \$285 just for the closed captioning. Aside from that expense, the shipping costs back and forth plus the time delay would all be detrimental to the cost and timing of producing and airing our weekly church program. I shoot the 8:30am church service on Sunday, spend Sunday downloading the DV tape to my computer, editing the hour service down to 28:30 including those elements described earlier, uploading it back to DV tape and on Monday morning I drive it to the station. They have to transfer it to their on air format so it can air Wednesday morning at 7:30. The Fox station does not offer closed captioning services. Since this is a completely volunteer ministry on my part that only takes my time and equipment, any routine fee and time consuming technical requirement would be more than I could bear. I have sympathy for the hearing impaired as I do for the blind or anyone with a limiting disability. Both our pastors post the text of their sermons on the church's website [www.annstreetumc.com/](http://www.annstreetumc.com/) and I could easily address that fact for the hearing impaired with a graphic during the sermon on the program. In this economy many members of Ann Street including me are under financial duress. Please grant us a waiver so I can continue to offer this service to the church as an extension of our sanctuary to shut-ins and seekers here in coastal NC. Our programs contain no financial solicitation just an invite to come worship with us when you visit Beaufort.**



If you have considered and rejected alternatives to closed captions, such as subtitles, a scroll with the text of the sermon, or some other method, provide details on the cost of these alternatives and why they were rejected.

**The alternative I addressed above that is acceptable is to put a graphic at the bottom of the screen stating that the sermon texts can be read and downloaded from the church's website [www.annstreetumc.com/](http://www.annstreetumc.com/) .**

Describe the impact that these costs would have on the program: first, give an overview of the total costs of producing the show per year and tell the FCC how much each episode costs. Attach financial documentation supporting these details. Second, indicate how much closed captioning would increase the cost of each episode. For example, if each episode costs \$500 to produce, and closed captioning would add another \$250, then note that this would increase the cost of production by 50%. Third, explain the impact that these costs would have on your ability to produce the program.

For this discussion, the key issue that the FCC will look at is: if you are required to provide captioning, will it undermine your ability to provide the program? If the additional expense will compromise your ability to continue producing the program, then state that.

**Since I produce this program for free, there are no financial records to provide. It also means that any expense of additional time and fees would be prohibitive. The church pays the air time of \$150.00 a week which is less than the closed captioning fees and again, the church pays \$0 for production.**

#### **Financial Resources of the Program Provider**

Explain the financial position of the church: if the church has tax-exempt status, note this fact and provide documentation as an attachment. Describe (and attach documentation for) the

most recent financial statements for the church. In particular, note the main sources of income for the church, and the main expenditures. Describe efforts made to solicit captioning assistance from your programming distributor (the television station), and the distributor's response.

The FCC will consider all of your financial resources—not just those allocated for the program at issue. Also, the FCC will not simply rely on the non-commercial nature of programming and the fact that you are not making money from it.

**I am the program provider, not the church and my resources are limited. All I have had to offer the church for the last two years is this ministry. I am in a battle with Wells Fargo to save my home from foreclosure and one great saving grace for me has been being able to continue to provide this service for Ann Street. I emailed my sales representative from Fox about closed captioning services and this was her reply:**

Hi Doug,

Happy Thursday☺ I checked with my manager and we don't offer closed captioning. Let me know if you need anything else. Have a great day.

Thank you,

**Nancy Chaanine**  
Account Executive  
WCTI-TV  
225 Glenburnie Drive  
New Bern, NC 28560  
252.638.1212 (o)  
252.637.4141 (f)  
252.422.6061 (c)



Eastern North Carolina Broadcasting Corporation



**Type of Operations of the Program Provider**

**Describe the operations of the church:** write a few sentences summarizing your institution's major operations and activities. Describe its major purpose – is it mainly a for-profit provider of television programming? Mainly a non-profit religious institution? The FCC will not place great weight on non-profit status, although it could still be a relevant factor to point out.

**Ann Street UMC is all about “Knowing Christ and making him known”. Members of our congregation are involved in all sorts of volunteer activities that serve Christ, the church, other members, the community and missions around the world. My company, Hatteras television Productions is mainly a for profit company (when the economy is good) that produces commercials, music videos, and programming to promote the Southern Outer Banks of North Carolina from Swansboro and Emerald Isle to Ocracoke Island. Examples of my work can be viewed in the video gallery of my website [www.do-what.com](http://www.do-what.com) . The church itself is non-profit and the production work that I do for it is non-profit. God gifted me with the skill and equipment and I use them gladly to expand our sanctuary and use our wonderful church services to fulfill the Great Commission here in eastern North Carolina. I am the biggest beneficiary in that I get to watch the weekly sermons at least three times.**

### **Conclusion**

As shown by this Petition and its attachments, the Commission should grant a waiver of the closed captioning requirements in this case, because requiring closed captioning would be economically burdensome. The costs of captioning would be excessively high and would have a significant impact on Petitioner's operations, undermining its ability to provide the program. The Petitioner's type of operations and financial resources are different in kind and magnitude

from a mainstream programming provider. Because of the significant difficulty and expense of providing closed captions, a waiver under § 79.1(f) is warranted. If more information is needed, please contact me at the address provided below.

Doug Gilchrist

141 Howland Parkway

Beaufort, NC 28516

Cell # 252-342-8381

Respectfully submitted,

Ann Street United Methodist Church

By:

Doug Gilchrist  
141 Howland Parkway  
252-342-8381  
Fax- 252-504-3865

Dated: 01/30/2012



### Exhibits checklist

1. Estimates, invoices, and other documents concerning the costs of captioning.
2. Exchanges with stations(s) about assisting with the cost of captioning; documentation of other efforts to seek sponsorship of the captioning costs.
3. Documentation concerning financial status. Include the most recent tax returns or balance sheets, tax exempt certificate, and documentation indicating the total cost of production of the program and gross receipts from the program. Redact social security numbers and employee identification numbers (the entire petition, including attachments, will be made available for public inspection). Confidential treatment of information contained in a petition may be requested (the request must be in writing), but keep in mind that the version of the petition made public must contain sufficient documentation to support the claim that closed captioning would be economically burdensome.
4. Schedule of all programming offered by the petitioner.
5. Affidavit. It should be in the following form (and provided on a separate page):

STATE OF North Carolina )  
Carteret COUNTY ) ss.:

## AFFIDAVIT OF Doug Gilchrist

I, Doug Gilchrist, being first duly sworn, depose and state:

1. I am the program producer at Ann Street United Methodist Church, a church in North Carolina. I am over the age of 21.
2. I have reviewed the Petition for Exemption for Closed Captioning Requirements filed on behalf of Ann Street UMC, and, upon information and belief, believe the statements regarding our organization and the Ann Street UMC Church Program to be true and accurate.

FURTHER AFFIANT SAYETH NOT.

[NAME]

SUBSCRIBED TO AND SWORN  
before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Notary Public  
My Commission expires:

Department of the Treasury



**Internal Revenue Service**  
**Washington, DC 20224**

Date:

In reply refer to:

OCT 18 1974

T:MS:EO:R:1-2

Council on Finance and Administra-  
tion of the United Methodist  
Church, a/k/a the United  
Methodist Church and Its  
Affiliated Organizations  
1200 Davis Street  
Evanston, Illinois 60201

Attention: R. Bryan Brawner

Dear Applicant:

This refers to the information submitted for use in determining your status and the status of your affiliated religious organizations, on the list you submitted, as being exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

For the purposes of this group ruling, your affiliated religious organizations include The General Conference, Judicial Council; General Agencies, Commissions, Committees, their divisions and departments thereof, and, other related organizations; Jurisdictional Conferences and Affiliated Agencies, Commissions, and other organizations; Annual Conferences and divisions and departments thereof; Annual Conference Agencies, Commissions, Committees, and affiliated organization; Local Churches and Local Church Agencies, Commissions, Committees, and other affiliated organizations.

Based on the information supplied, we rule that you and your affiliated religious organizations, on the list you submitted, are exempt from Federal income tax under section 501(c)(3) of the Code.

We have further determined that you and the affiliated religious organizations you operate, supervise, or control, and which are covered by your notification to us, are not private foundations within the meaning of section 509(a) of the Code, because you and your affiliated religious organizations are organizations described in sections 170(b)(1)(A)(i) and 509(a)(1) of the Code.

STATE OF North Carolina  
Carteret COUNTY

)  
) ss.:

AFFIDAVIT OF Doug Gilchrist

I, Doug Gilchrist, being first duly sworn, depose and state:

1. I am the program producer at Ann Street United Methodist Church, a church in North Carolina. I am over the age of 21.
2. I have reviewed the Petition for Exemption for Closed Captioning Requirements filed on behalf of Ann Street UMC, and, upon information and belief, believe the statements regarding our organization and the Ann Street UMC Church Program to be true and accurate.

FURTHER AFFIANT SAYETH NOT.

Doug Gilchrist  
[NAME]

SUBSCRIBED TO AND SWORN  
before me this 30 day of January, 2012.

Kortisha L. George  
Notary Public  
My Commission expires: 12-17-2016

